UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,036	10/10/2003	Jan M. Badovinac	0142-0435P	7998

2292 7590 05/30/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
AUGUSTINE, NICHOLAS	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
05/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	**Application No.** 10/682,036	**Applicant(s)** BADOVINAC ET AL.	
	Examiner NICHOLAS AUGUSTINE	**Art Unit** 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 01 February 2008.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 1-20 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A. This action is in response to the following communications: Amendment filed: 02/01/2008. This action is made **Final**.

B. Claims 1-20 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudo et al. (US 5,999,827), herein referred to as Sudo, in view of Groenteman, Frank

S., herein referred to as Groenteman, and further in view of Duarte, Matias (US 7,093,201 B2), herein referred to as Matias.

Summary

Sudo teaches a portable device with an operator movable operating element (figure 2; Sudo). (Hardware; **"Where it's presented").**

Groenteman teaches office machine-monitoring software for displaying the status of office equipment connected by a network (Software function; **"What is presented"**).

Duarte teaches a graphical user interface to be used on a portable device for user navigation of element, presented in a fashionable arch. (Navigation software presentation **"How it's presented"**)

As for independent claims 1, 18 and 20, Sudo teaches a portable terminal for presenting information (figure 2) regarding a plurality of devices in a proximate environment, said portable terminal having a digital processor and related memory, an operator movable operating element, a display for selectively displaying information data, and means for selecting any one of said devices comprising:(figures 2-3 and 7; items 4,12,36J; column 4, lines 23-41,55; column 6, lines 26-33; columns 9-10). Sudo does not specifically teach part of the software on the portable device is used to gather and display information about devices on a network (office equipment, i.e. printers, fax, etc.). However in the same field of endeavor Groenteman teaches technique to monitor office devices (column 2, lines 20-38). It would have been obvious to one of ordinary skill in the art to combine Groenteman into Sudo, this is true because Groenteman solves the problem of providing user desired software for execution on a portable device having various I/O means (col.2, lines 24-32, 52-61; figure 3). Sudo in view of Groenteman does not specifically mention display of a selected one of said data nodes of hierarchy, an array of display objects representing individual data, said array being at least partially displayed on said display, and a marker displayed on said display, said array and said marker being movable relative to one another, wherein a movement of the movable operating element by an operator results in a substantially coincident movement of said array or marker and said movable operating element is positioned so that it appears to an operator to at least partially overlap with the display such that said array or said marker appears to an operator to be part of the operating element; thus an "arch" graphical hierarchy array of menu options that is to be presented to the user along with a marker to indicate current selection by the user before and after execution of option. However in the same endeavor Duarte teaches a curved-listing "arch style" file hierarchy and a preview window for displaying identifiers and preview information related to a plurality of devices (figure 11, column 2, lines 44-64; column 8, lines 24-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Duarte into Sudo in view of Groenteman, this is true because Duarte solves the problem of navigation among a plurality of nodes in a hierarchy which is being presented on a portable device having a control knob that is invoked by rotating it thus acting upon the navigation graphical user interface to display navigation in a hierarchy that shows a pointer and highlighting technique being moved on the display as the user rotates the control knob to indicate current selection from control knob (col.7, lines 31-36, col.8, lines 9-11 and 51-59 and col.9, line 4-13). The combination of Sudo in view of Groenteman in further view of Duarte disclose a portable device having a rotate able operative element overlap display on portable device used for making selections in the executed graphical shell that displays the computer navigation in an arch fashion which depicted displays the arch out of bounds of the display on the portable device, wherein the user is able to rotate the operative element which overlaps the display, thus with the ability of have a pointer and highlight techniques associated with the navigation graphical shell for a portable device having a operative element overlapping the display the user rotates the operative element which simultaneously moves the arch to denote current selection by the user using pointer and highlight technique wherein each of the nodes presented on the arch are representative of applications able to be selected by the user, such that one particular application being a software stored on a computer readable medium for execution on a portable device having wireless capabilities, providing over wireless transmission status information of nodes in a connected network which is rendered in the graphical shell, the arch.

As for dependent claim 2, Sudo teaches the portable terminal according to claim 1, wherein the movable, operating element is positioned underneath the display, and wherein the array or marker is adapted to move in unison with the movable operating element (figure 14, note the analysis of claim 1).

As for dependent claim 3, Sudo teaches the portable terminal according to claim 1, wherein the movable operating element is positioned at a side of the display, and wherein the array or marker is adapted to move in unison with the movable operating element (figure 2, note the analysis of claim 1 above).

As for dependent claim 4, Sudo teaches the portable terminal according to claim 1, wherein the movable element is a slide switch and the array is substantially linear in its display (column 9, line 38, note the analysis of claim 1 above).

As for dependent claim 5, Sudo teaches the portable terminal according to claim 1, wherein the movable element is a rotary ring and the array is circular or at least arc shaped in its display (column 9, line 33, note the analysis of claim 1 above).

As for dependent claim 6, Sudo teaches the portable terminal according to claim 2, wherein the movable, operating element is provided with a number of arresting positions, and the position of one of the objects of said array is adapted to coincide with said marker at one of said arresting positions (column 9, line 25).

As for dependent claim 7, Sudo teaches the portable terminal according to claim 5, wherein said rotary ring is a thumbwheel which protrudes from at least one side surface of the portable terminal (figure 14).

As for dependent claim 8, Sudo teaches the portable terminal according to claim 2, wherein the movement of the movable operating element in a first state of the portable terminal is adapted to scroll the array of objects, and the movement of the movable operating element in a second state of the portable terminal is adapted to scroll an array of menu items (column 10, lines 3-20, note the analysis of claim 1 above).

As for dependent claim 9, Sudo teaches the portable terminal according to claim 8, wherein said movable operating element is positioned to allow the actuation of a switch, through the application of pressure, on the movable operating element for controlling menu options (column 10, line 19).

As for dependent claim 10, Sudo teaches the portable terminal according to claim 9, wherein the movable operating element is made of flexible material so as to allow actuation of an internal switch (figure 14).

As for dependent claim 11, Sudo teaches the portable terminal according to claim 9, wherein the suspension of the movable operating element allows the latter to be translated by a user for actuating a switch (column 10, line 19).

As for dependent claim 12, Sudo teaches the portable terminal according to claim 1, further comprising a transceiver for receiving a wireless signal incorporating said information (note the analysis of claim1; wherein Groenteman teaches transceiver (figure 3).

As for dependent claim 13, Sudo teaches the portable terminal according to claim 1, wherein said information includes operational status data for each of said devices (note the analysis of claim1; wherein Groenteman teaches status (column 2, line 29).

As for dependent claim 14, Sudo teaches the portable terminal according to claim 1, further comprising means for producing an audible signal (figure 30).

As for dependent claim 15, Sudo teaches a system for controlling the operational status of a plurality of image processing devices which comprises: a network for receiving the operational status information of said plurality of image processing devices; a server and transmitter for receiving the operational status information from the network; and a portable terminal as defined in claim 1, for receiving the operational status information for presentation to an operator (note the analysis of claim 1 above).

As for dependent claim 16, Sudo teaches the portable terminal of claim 1, wherein the movable operating element further comprises a wheel to pick up angular movements (column 17, line 35).

As for dependent claim 17, Sudo teaches the portable terminal of claim 1, further comprising a switch adjacent the movable operating element and wherein the movable operating element contains an opening to permit it to be moved into contact with the switch (column 9, line 38).

As for dependent claim 19, Sudo teaches the portable terminal of claim 1, wherein the operator movable operating element is a tangible element (figure 14).

(Note:) **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

Response to Arguments

Applicant's arguments filed 02/01/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that none of the applied references discloses a device which is “a portable terminal for presenting information regarding a plurality of devices in a proximate environment”.

R1. Examiner does not agree, as explained above Groenteman teaches a portable device that communicates wirelessly (col.2, lines 24-32 and 52-61) of the status of near by office equipment (any device node on the network, i.e. soda machine; figure 1; col.3, lines 16-33).

A2. Applicant argues that there is no concept whatsoever in Sudo of a display for selectively displaying information data of a selected device.

R2. Examiner agrees, Groenteman was relied upon for this limitation, note A1 above. The end result is a portable device with rotate able wheel that overlaps the display screen of the device running a program that displays status of near by nodes on a connected network with device.

A3. Applicant argues that Sudo does not disclose a movement of the movable operating element by an operator that results in a substantially coincident movement of said array on marker.

R3. Examiner agrees, Duarte was relied upon for this limitation. Duarte and Sudo solve the problem of navigation within a portable device using a wheel operative element (col.7, lines 31-36) in such that Duarte provides software system stored on a machine-readable medium (col.8, lines 9-11) the provides a graphical user interface for navigation a hierarchy which can be ran on a portable device (col.9, line 10). Thus the end result would be a graphical user interface being ran on a portable device that has a rotate able operating element that overlaps the display screen.

A4. Applicant argues that Sudo does not disclose a movable operating element that is positioned so that it appears to an operator to at least partially overlap with the display such that said array or said marker appears to an operator to be part of the operating element.

R4. Examiner agrees, Duarte was relied upon for this limitation. Duarte provides a graphical user interface for a portable device having a rotate able operative element wherein the movable operating element that is positioned so that it appears to an operator to at least partially overlap with the display such that said array or said marker appears to an operator to be part of the operating element (col.7, lines 31-36: Duarte) and (figures 2-3 and 7; col.4, lines 23-41 and col.6, lines 26-33: Sudo).

A5. Applicant argues the combination of Sudo in view of Groenteman in further view of Duarte.

R5. Examiner disagrees, *Sudo* teaches a portable device with an operator movable operating element (figure 2; Sudo). (Hardware; **"Where it's presented").** *Groenteman* teaches office machine-monitoring software for displaying the status of office equipment connected by a network (Software function; **"What is presented"**) Groenteman solves the problem of providing user desired software for a portable device, which the end result would be a user portable device having a rotate able operative element overlapping the display for interaction with software stored in computer readable medium, wherein software consist of a method of displaying messages from nodes in a connected network, messages include status of office equipment. *Duarte* teaches a graphical user interface to be used on a portable device for user navigation of element, presented in a fashionable arch. (Navigation software presentation **"How it's presented"**). Duarte solves the problem of navigation among a plurality of nodes in a hierarchy which is being presented on a portable device having a control knob that is invoked by rotating it thus acting upon the navigation graphical user interface to display navigation in a hierarchy that shows a pointer and highlighting technique being moved on the display as the user rotates the control knob to indicate current selection from control knob. The end result is a portable device having a rotate able operative element overlap display on portable device used for making selections in the executed graphical shell that displays the computer navigation in an arch fashion which depicted displays the arch out of bounds of the display on the portable device, wherein the user is able to rotate the operative element which overlaps the display, thus with the ability of have a pointer and highlight techniques associated with the navigation graphical shell for a portable device having a operative element overlapping the display the user rotates the operative element which simultaneously moves the arch to denote current selection by the user using pointer and highlight technique wherein each of the nodes presented on the arch are representative of applications able to be selected by the user, such that one particular application being a software stored on a computer readable medium for execution on a portable device having wireless capabilities, providing over wireless transmission status information of nodes in a connected network which is rendered in the graphical shell, the arch.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
May 23, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179